

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

TREVOR RYAN,

CV. 11-448-MO

Petitioner,
v.

ORDER DENYING MOTION
FOR SUMMARY JUDGMENT

JEFFREY THOMAS,

Respondent.

MOSMAN, District Judge.

Before this Court is Petitioner's Motion for Summary Judgment (#21). Petitioner's motion has been properly served on Respondent. For the reasons that follow, Petitioner's Motion is DENIED.

Pursuant to the Federal Rules of Civil Procedure, a motion for summary judgment should be granted if the record shows "there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(c). The record before the Court does not show that there is no genuine

issue as to any material fact and that Petitioner is entitled to habeas relief as a matter of law. Accordingly, Petitioner's Motion for Summary Judgment (#21) is DENIED.

IT IS SO ORDERED.

DATED this 18th day of January, 2012.

/s/ Michael W. Mosman

Michael W. Mosman
United States District Judge